



**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

Fax

Date: November 11, 2003

Art Unit 2857/Examiner

To: H.D. Wachsmann

Fax #: 703-308-7722

Confirm#: 703-305-9788

Client Matter#: 22639-11701

From: Kevin A. Oliver

Sender's Number: 1241

User #: 9007

Total Pages Sent (Including Cover Sheet): 26

Office: Boston

Message

EXPEDITED PROCESSING
OFFICIAL COMMUNICATION

Please find enclosed herein the following for U.S.S.N. 09/846,899, all subject to a certificate of facsimile transmission dated 7 November 2003.

1. Fee Transmittal form (1 page);
2. Response to Office Action of July 7, 2003 (15 pages);
3. Petition for 1-month extension (1 page);
4. Letter to Draftsman (2 pages) and Figs. 2-4 (6 pages); and,
5. This cover sheet (1 page).

Kevin A. Oliver

Kevin A. Oliver

FAX RECEIVED

NOV 10 2003

TECHNOLOGY CENTER 1000

IMPORTANT - PLEASE READ

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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Approved through 07/31/2006, OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110

Complete if Known

Application Number 09/846,899
Filing Date May 1, 2001
First Named Inventor Russell et al.
Examiner Name H. D. Wachsmen
Art Unit 2857
Attorney Docket No. FOM-117.01 (22638-11701)

NOV 16 2003

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 06-1448 Ref: FOM-117.01

Deposit Account Name Foley Hoag LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims - ** = X =
Independent Claims - ** = X =
Multiple Dependent X =

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	88	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath or cover sheet.	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	2053	130	Non-English specification	
1812	2,520	2812	2,620	For filing a request for reexamination	
1804	920*	2804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	2807	50	Processing fee under 37 CFR 1.17 (q)	
1808	180	2808	180	Submission of Information Disclosure Stmt	
8021	40	28021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	2802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Kevin A. Olive Registration No. (Attorney/Agent) 42,042 Telephone 617-832-1241
Signature *Kevin A. Olive* Date November 7, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

6 20-10-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Russell et al.)	
)	
Serial No.: 09/846,899)	Group Art Unit: 2857
)	
Filed: May 1, 2001)	Examiner: H. D. Wachsman
)	
For: Dynamic Performance Measures for Cement)	Attorney Docket No.: FOM-117.01
Production Processes)	

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at FAX number (703) 872-9318.

November 7, 2003
Date of Signature
and of Transmission

Kevin A. Oliver
Kevin A. Oliver

CORRECTION OF DRAWINGS TO DRAFTSMAN

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 7, 2003, Applicant submits corrected drawings for Figs. 2-4. The corrected drawings do not contain any new matter.

Applicant invites the Examiner to contact the Applicant's Attorney if any questions arise concerning this submission.

Applicant's Attorney does not believe that any additional extension of time or any additional fees are required for consideration of this Response, beyond those which may otherwise be provided for in accompanying documents. Should any additional extension of time or additional fees be required for timely consideration of this Response, however, Applicant's Attorney hereby petitions for same and requests that the extension fee and any other fee required for timely consideration be charged to **Deposit Account No. 06-1448, Reference FOM-117.01.**

U.S.S.N. 09/846,899
Group Art Unit: 2857

Further, Applicant's Attorney hereby authorizes the Commissioner to credit any overpayment to **Deposit Account Number 06-1448, Reference FOM-117.01.**

Respectfully submitted,
FOLEY HOAG LLP

Date: November 7, 2003

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